

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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[www.montgomerycountymd.gov/content/council/boa/board.asp](http://www.montgomerycountymd.gov/content/council/boa/board.asp)

**Case No. S-2673**

**PETITION OF LEIZER Z. GOLDSMITH**

OPINION OF THE BOARD

(Opinion Adopted March 21, 2007)  
(Effective Date of Opinion: April 19, 2007)

Case No. S-2673 is an application by Leizer Z. Goldsmith for a special exception to permit a non-resident professional office. The Hearing Examiner held a hearing on the application on August 28, 2006, closed the record on February 26, 2007, and on February 27, 2007, issued a Report and Recommendation for approval of the special exception.

The subject property is Lot 2, Section 1. Evanswood Subdivision, located at 8603 Cedar Street, Silver Spring, Maryland, 20910, in the R-60 Zone.

Decision of the Board:      Special Exception **Granted** Subject to  
Conditions Enumerated Below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on March 21, 2007. After careful consideration and review, the Board adopts the Report and Recommendation and grants the special exception subject to the conditions enumerated below. The Board takes particular note of the Hearing Examiner's analysis of the status of the two-story bay window projection on the side of the house. The Board concurs with the Hearing Examiner that Section 59-B-5.3 of the Zoning Ordinance applies to the structure in question, and that compliance with the provision requires the Petitioner to remove a portion of the projection, as outlined in Condition No. 4 below, to comply with the setbacks in effect when the lot was recorded in 1932.

On a motion by Caryn L. Hines, seconded by Wendell M. Holloway, with Donna L. Barron, Vice-Chair, and Allison Ishihara Fultz, Chair, in agreement, and Catherine G. Titus necessarily absent, the Board voted to adopt the Hearing

Examiner's Report and Recommendation and **grant** the special exception, subject to the following conditions:

1. Petitioner shall be bound by all of his testimony and exhibits of record, and by the testimony of his witnesses and representations of counsel identified in this report.
2. Petitioner shall limit parking spaces on site to two, and these spaces must be adequately screened by hedges. Petitioner shall also participate in the Silver Spring Parking Lot District Program and pay the *ad valorem* tax in lieu of satisfying the number of required parking spaces that are not on the site (Twelve required; two provided on site).
3. The special exception will operate with a maximum of 16 individuals, professional and staff combined, and shall have a maximum of 15 client visits per day to the office, with an average not to exceed 10 per day.
4. Petitioner must remove a sufficient portion of the bay window projection to comply with the side-yard setbacks (7 feet) in effect when the lot was recorded in 1932, as shown on his revised special exception site plan, Exhibit 32(a).
5. Total interior floor space of the use, including the existing building and the proposed addition, is limited to 4,707 square feet, and the structure must retain its residential character.
6. The hours of operation will be 7:30 a.m. to 9 p.m., Monday through Friday, and 9 a.m. to 5 p.m. on Saturday and Sunday.
7. Petitioner will make information available to clients about the local public parking facilities.
8. Petitioner may not post the sign he proposes until he obtains a permit therefore pursuant to Code §59-F-9.1(a). The sign should not exceed two square feet, and a copy of the permit should be filed with the Board of Appeals.
9. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

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Allison Ishihara Fultz  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 19<sup>th</sup> day of April, 2007.

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Katherine Freeman  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.